

EXHIBIT E

DAVID H. SMITH & ASSOCIATES

FIRE INVESTIGATION • ANALYSIS • SUBROGATION • CONSULTING • SEMINARS
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September 25, 2005

Mr. Steven Rowe
Adams & Reese, Lang, Simpson, L.L.P.
2100 Third Avenue North
Suite 1100
Birmingham, AL 35203

RE:	Loss Location:	County Road 79, Apt. 1 Daviston, AL
	Date of Loss:	April 13, 2005
	Client Claim No.:	P5-119-J
	Our File No.:	12-3163.17

Dear Mr. Rowe:

At the request of Steven Rowe of Lang/Simpson, David H. Smith, C.F.I. conducted a sift and contents analysis of the subject fire loss site. This analysis was conducted on September 19, 2005 beginning at approximately 9:20 a.m. Mr. Charles Parrot met with prior to the beginning of this analysis and he signed a consent form allowing us to enter the property, photograph the property and conduct this site analysis. A copy of this agreement is attached. It should be noted that during the discussion Mr. Parrot stated that he has to amend our agreement to state that we were not allowed to remove any property of his from the structure. This request was adhered to.

The 20 x 40 concrete slab structure had previously been analyzed and the site was visited on 2 previous dates (see previous report). For reference purposes of this site analysis, the front of the structure will be considered the side opposite of the river. This side will be considered as facing south. The river side is north, the side towards the trailers will be east and the side towards the mobile home will be west. The subject loss location was photographed prior to disturbing the scene. After photographing a sifting machine was constructed and the debris was sifted section by section. Section A is the southeast section, B is the southwest section, C is the northwest section and D is the northeast section. Each section measures approximately 20 x 20. The greatest degree of contents was discovered in Section A of the structure as is shown on the blue tarp in figure 8. These contents included a computer, metal components, metal stands, an unknown electronic device with a large fan in it, numerous pooled aluminum alloy metal components as well as numerous electrical conductors and portions of the flex conduit from the electrical conductors. The hard drive was discovered

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within the confines of the computer. Section B consisted of a heavy duty pallet jack, metal desk and pallet wrapper. Other than an electrical outlet and other electrical conductors leading to this area no other contents were discovered in Section B. Section C is the northwest area of the structure where the surviving "wash tank" was located. Just outside of Section C was the air compressor. Items shown on the blue tarp as figure 9 indicate the findings within the section of Section C. Numerous piping supplies and electrical conductors leading to the wash tank area were also noted within this area. Straddling sections C & D on the north side of the structure was the remains of another metal basin. In addition to this metal bin the remains of some rollers were also discovered in Section D. A small polystyrene cooler was also located in this area as well as some springs, light fixtures and ballasts for light fixtures.

The remainder of fluorescent light fixtures and an electrical disconnect box were also discovered during the sifting process. These items are shown in figures 11 & 12. The electrical box is a disconnect box and not a control box as would be associated with automatic equipment. The remains of a large file cabinet should also be noted to have been found on the southeast exterior of the structure. Examination of the exterior doors and other items of that nature was also conducted and they were discovered to be in place at the time of the fire. Some of the items that were previously identified in Mr. Parrot's deposition as rails possibly to the semiautomatic or automatic equipment were actually pieces of roof flashing as shown in figure 13.

The contents listed on the defendant's exhibit 3-A as completed during the deposition of Mr. Parrot were searched for during the sifting. Items listed on this inventory sheet which could not be examined during this analysis:

pallets	bottles, 20 oz. – 9.7¢ each
10,000 caps	9,500 cardboard boxes
hand wrapping stretch wrap, 6 rolls	1 in schedule 40 water pipe
16 dozen boxes disposable gloves	white labs coats
rubber slide-on shoe covers	hair nets
3 hand staplers	50 bottle flats
hand operated capper	100,000 labels
bacteria test kit	10 x 40 microscope

Items that were listed on this inventory sheet known as defendant's exhibit 3-A which were discovered or partially discovered included:

1 4-ton pallet jack	the remains of 1 computer
1 computer desk	5 horsepower air compressor
24 inch conveyor	brass check valves
pressure gauges and valves	automatic shutoff valve
20 lb. fire extinguisher	4 drawer file cabinet
hand operated compete wrapping machine (if this is the round object in the southwest corner used for wrapping pallets)	

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As is noted above, there are numerous discrepancies as to the contents listed by Mr. Parrot at the time of the fire compared to what was discovered during our excavation.

In conclusion, based upon our comparative analysis conducted at the fire loss site it is the opinion of David H. Smith & Associates, Inc. that numerous items which were represented by Mr. Charles Parrot as being in the structure at the time of the fire were in fact not in the structure when the fire occurred. In particular, the "semiautomatic" bottling machine components were not discovered within the confines of the structure during the sifting analysis conducted on September 19, 2005.

In addition to the captioned photographs included in this report, additional photographs of the fire loss site and sifting operations are enclosed as exhibit A. If we can be of further service on this matter or any other matter, please contact us at your convenience.

Sincerely,

David H. Smith, C.F.I.

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Figure 1 – Fire Loss site prior to excavation and sifting process.



Figure 2 – Fire loss site as viewed during the excavation process.

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Figure 3 – Subject structure cordoned off into quadrants prior to sifting.

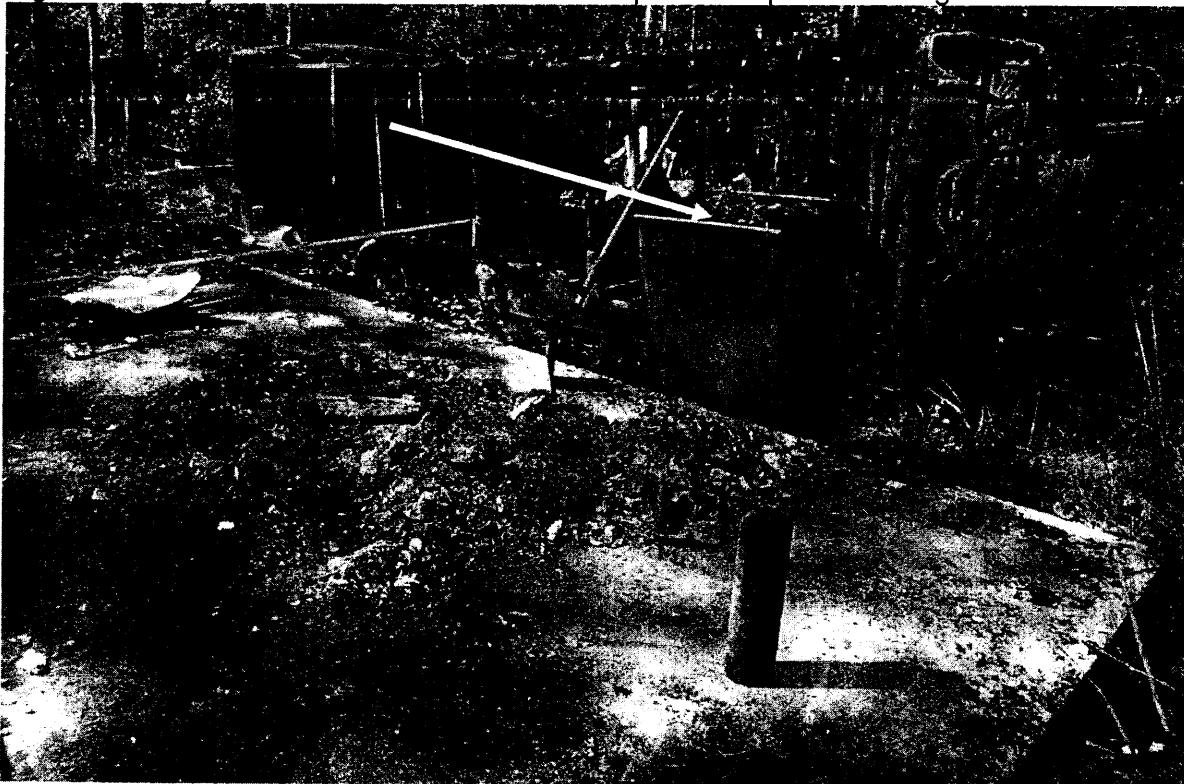


Figure 4 – Sifting process in operation. The sifter is indicated by the arrow.

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Figure 5 – Close-up view of the sifter showing the 1/4 inch hardware cloth



Figure 6 – Sifting process showing the items which can be retained during the process.

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Figure 7 – Remains of larger items after the sifting process was complete.



Figure 8 – Items discovered in the front right portion of the building.

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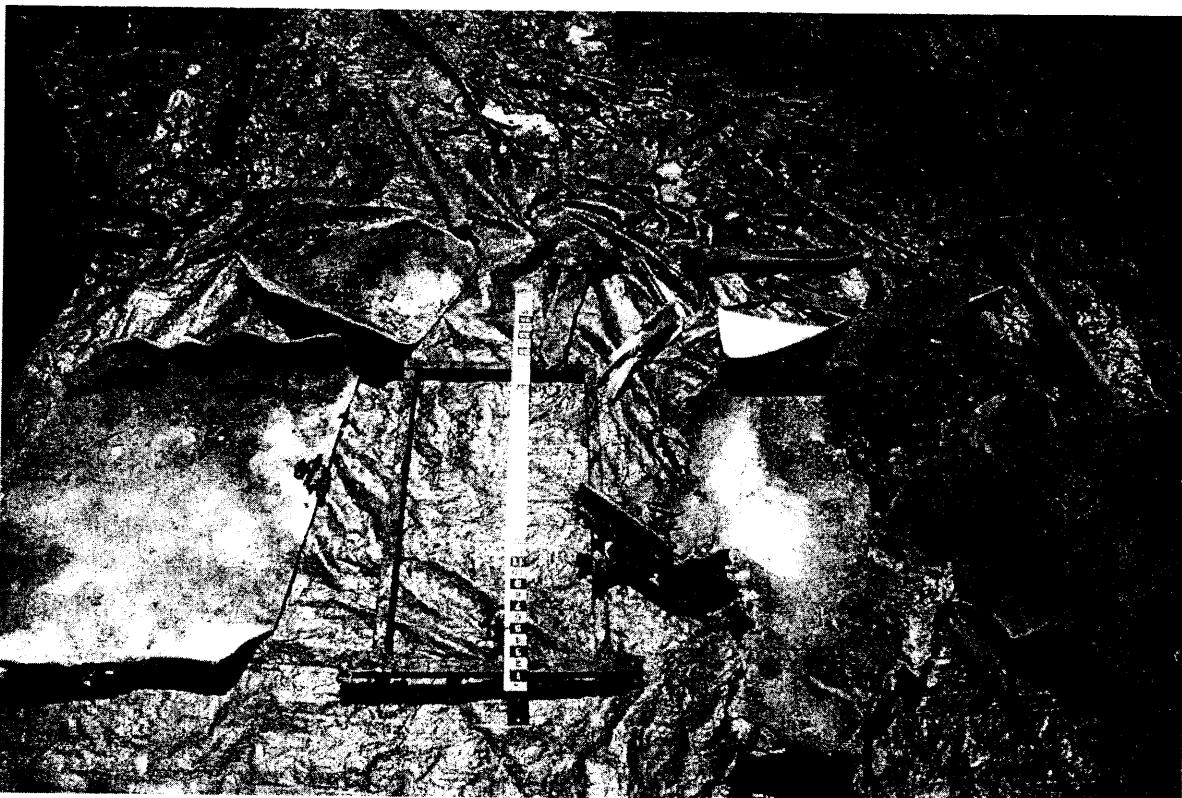


Figure 9 – Items recovered from the back right quadrant (area C).



Figure 10 – Items recovered from the back left quadrant.

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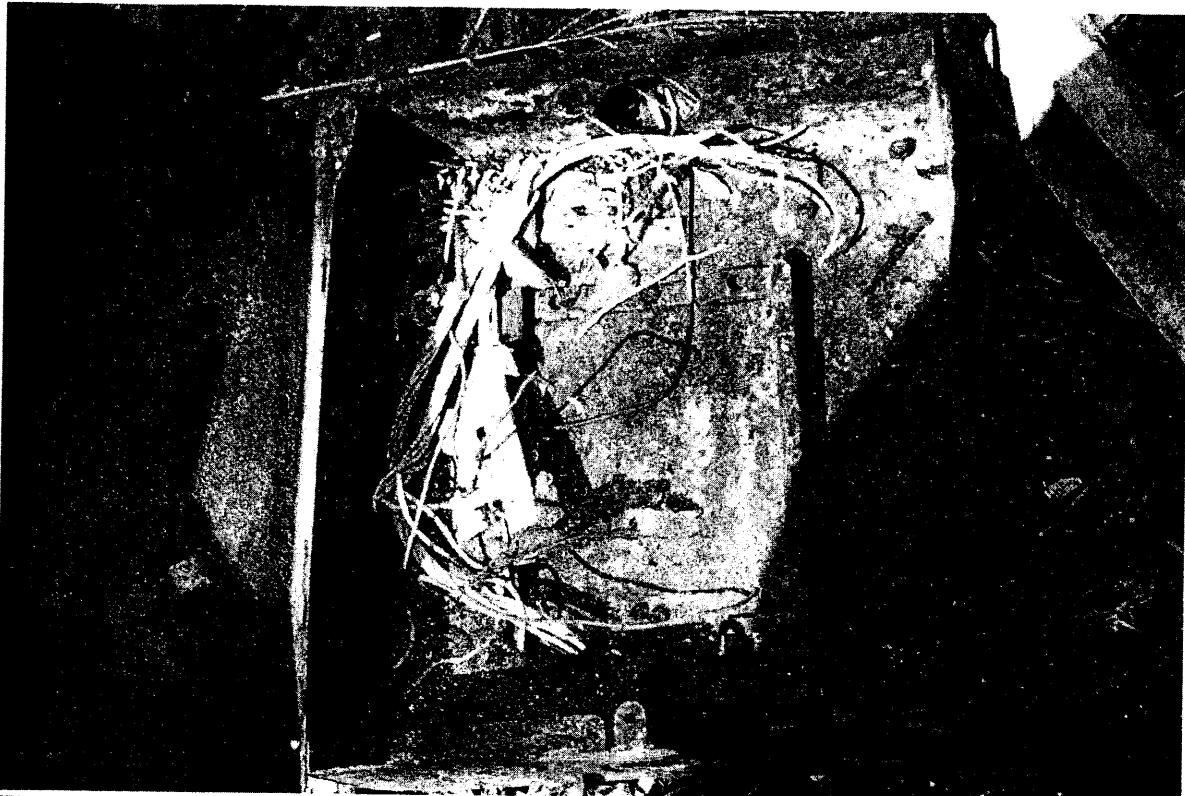


Figure 11 – Electrical panel.



Figure 12 – Light Fixtures.

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Figure 13 – Roof flashing and electrical wiring.